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seem to be no sufficient reasons for disagreeing with the decision that the injured man was an employee, for he contributed nothing but his bare personal service and was merely allowed some freedom in disposing of the bread. A detailed study of the evidence reveals nothing more than an apparent attempt to evade the compensation law by giving the unfortunate driver some freedom of action without really making him in any way independent. Again, it is doubtful if under California's new law the injured man could under any circumstances be an "independent contractor," since he would probably be considered a manual laborer.³⁷

D. J. W.

³⁷ Supra n. 3.

Book Reviews

CASES ON FUTURE INTERESTS AND ILLEGAL CONDITIONS AND RESTRAINTS. By Albert M. Kales. West Publishing Company, St. Paul, Minn. 1917. pp. xxvi, 1456. \$6.00.

Mr. Kales' casebook is designed for use in law schools where two hours a week for an entire year can be devoted to the subject of future interests. The questions arising in this branch of property law are, as the editor says, those "more commonly met with in litigation, about which lawyers in general know the least, and where academic knowledge and analysis are of great importance in handling cases." But it is probably not likely that many law schools will be found willing to give the time necessary for a thorough study of this difficult, interesting and generally little understood subject. Its fate in the law curriculum is comparable with that of Greek in the academic. Perhaps as courses in Greek are now being given without any requirement of a knowledge of the language, so too the course in future interests may have to be given in a less intensive and scholarly manner than the subject really requires. Yet there is hardly any part of the law where the practitioner's acumen or legal instinct is of less service than in this field. The property lawyer, as Sir Frederick Pollock has said, unlike a poet, *non nascitur sed fit*. But with the new learning asking a place in the lists of courses, and with such subjects as constitutional law, conflict of laws, evidence, corporations and the law of public service already demanding the attention of the third-year student, he must perforce jettison some of the cargo. A "little learning" in the classics or a course for the select few is all that most schools can afford to offer.

Where the necessary time can be devoted to the subject, Mr. Kales' book is the best that can be used. One cannot usually

speak with confidence as to the qualities of a case book until he has tested it in the classroom, but in this instance we have only to compare the book with Professor Gray's to see that Mr. Kales has improved that classical collection. The present book contains most of Gray's material with much that is new, and is therefore the most complete collection in existence upon this subject. Its very fullness will enable the individual instructor to eliminate according to his taste, and thus permit a freer hand in the treatment than is afforded by a shorter book. Kales devotes 1449 pages to matters covered by Gray in 943 much less closely printed pages. This he is enabled to achieve by relegating to another course topics such as the recording acts, dower and curtesy, which his predecessor included in third-year property.

Aside from the greater wealth of material presented, Mr. Kales' book has another advantage over Gray's book, and that is in his substantial clarification of the subject by his arrangement. The great heads of "Classification of Future Interests" and "Construction of Limitations" serve to preserve a sense of form and development in the subject, while the latter especially emphasizes the importance of construction which students are likely to minimize. A feature of value are the notes which for persons learning their future interest law from other books have been made available by an index—a desideratum too often omitted from case-books. The practitioner will find the book useful because of this mechanical help. Proper emphasis is given to legislation, and the modern view point is preserved by indications of what the law should be through the embodiment in the book of proposed legislation, such as, for example, Professor Freund's draft of a bill on future interests, presented to the Illinois legislature in 1907 and 1909. The editor has avoided the Sisyphean taste of presenting the cases under the New York system of future interests.

The book is well printed on good paper, a matter of considerable importance for many persons. Mr. Kales has wisely preserved a practice of the masters of the case method recently neglected by some of their disciples, and has printed with the titles of the cases not only the reference to the report and the date but also the title of the court. The student is entitled to know whether a case was decided at *Nisi Prius* or in the House of Lords, and even reasonably learned lawyers may be at a loss to say offhand what courts, "*Moo. & Mal.*" report.

O. K. M.

ROMAN LAW IN THE MODERN WORLD. By Charles Phineas Sherman. Boston Book Company, Boston, Mass. 3 vols. pp. lxvi, 1224. \$13.

This is a history and exposition of Roman Law, written in a journalistic style in the tone of a popular lecture. The first volume is historical, the second a manual, and the third contains guides